

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRANQUILINO CANDIA, et al.,

Plaintiffs,

- against -

DIMI GYRO LLC, d/b/a CHIRPING CHICKEN,  
et al.,

Defendants.

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**ORDER  
APPROVING SETTLEMENT  
AND DISMISSING THE CASE**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This case is an action for damages under the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* ("FLSA") and the New York Labor Law. Before the Court is the parties' joint letter request that the Court approve their settlement agreement, a fully executed copy of which was submitted on September 30, 2019. A federal court is obligated to determine whether settlement of an FLSA case under the court's consideration is fair and reasonable and the subject of an arms-length negotiation, not an employer's overreaching. See *Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015).

The Court assisted in mediating the settlement of this action and has carefully reviewed the Settlement Agreement as well as the parties' letter. The Court has taken into account, without limitation, prior proceedings in this action; the attendant risks, burdens, and costs associated with continuing the action; the range of possible recovery; whether the Settlement Agreement is the product of arm's length bargaining between experienced counsel or parties; the amount of attorney's fees; and the possibility of fraud or collusion. Among other attributes of the Settlement Agreement, there are no confidentiality restrictions; the non-disparagement provision is mutual and contains

appropriate exceptions; the release, despite its section heading, is narrowly tailored to claims under the Fair Labor Standards Act and New York Labor Law; and the attorneys' fees are within a fair, reasonable and acceptable range. Considering all the circumstances, the Court finds that the Settlement Agreement is fair and reasonable and hereby approved.

This case being resolved is hereby dismissed, without costs and fees except as may be provided for in the settlement agreement. The Clerk of the Court is respectfully requested to close the case.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: October 1, 2019  
New York, New York

Copies transmitted to all counsel of record.